

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

ANTHONY DERISO,

PLAINTIFF,

VS.

SYNCHRONY BANK;
ALLIED INTERSTATE, LLC; and
GLOBAL RECEIVABLES
SOLUTIONS, INC.

Case No.:

[Removal from the Court of Common
Pleas of Lackawanna County, Case
No.: 18-cv-3708]

DEFENDANTS.

NOTICE OF REMOVAL

Defendant Synchrony Bank (“Synchrony”) hereby removes the above-captioned action from the Lackawanna County Court of Common Pleas to the United States District Court for the Middle District of Pennsylvania pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. Removal is warranted under 28 U.S.C. § 1441(a) because this is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331. Plaintiff’s cause of action arises under the laws of the United States and Lackawanna County is the county of origin for purposes of removal under 28 U.S.C. § 1441(a).

I. PROCEDURAL BACKGROUND

1. Synchrony is a named defendant in a lawsuit that was filed on July 5, 2018 in the Lackawanna County Court of Common Pleas, captioned *Anthony Deriso*

v. *Synchrony Bank, Allied Interstate, LLC, and Global Receivables Solutions, Inc.*, Case No. 18-cv-3708 (hereinafter the “State Court Action”). A copy of the Complaint in the State Court Action is attached as “**Exhibit A.**”

2. On July 9, 2018, the legal department of Synchrony received a copy of the Complaint in the State Court Action. *See “Exhibit B.”*

3. Synchrony filed this Notice of Removal on July 30, 2018.

4. The removal is timely because it is filed within 30 days of being served with the Claim. *See 28 U.S.C. § 1446(b).*

II. REMOVAL IS PROPER AS THIS CASE INVOLVES A FEDERAL STATUTE

5. Synchrony removes this case on grounds of federal-question jurisdiction pursuant to 28 U.S.C. § 1331.

6. Plaintiff’s Complaint is removable under 28 U.S.C. § 1441 because it originally could have been filed in this Court under 28 U.S.C. § 1331, in that Plaintiff brings a cause of action against all Defendants under the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* Specifically, Plaintiff alleges that “Defendants caused to be made an unknown number of calls to Plaintiff’s cell phone number.” Compl. ¶ 14. Plaintiff further alleges that “the calls made to Plaintiff’s cell phone were made using either an automatic telephone dialing system, as that term is defined in 47 U.S.C. § 227(a)(1), or an artificial or prerecorded voice.” *Id.* ¶

7. Additionally, the second and final count of Plaintiff's Complaint alleges a violation of another Federal Statute, the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA"), against Defendant Allied Interstate, LLC. This FDCPA count also is removable as it could have been in this Court under 28 U.S.C. § 1331.

8. Under 28 U.S.C. § 1331, "[t]he district courts shall have original jurisdiction of all civil actions arising under the...laws...of the United States." "[A]ny civil action brought in a state court of which the district courts of the United States have original jurisdiction may be removed by the defendant or the defendants to the district court of the United States for the district and division embracing the place where such action is pending." 28 U.S.C. §1441(a).

9. Pursuant to 28 U.S.C. §§ 84(b) and 1441(a), venue is proper and this case is properly removed to this Court because the United States District Court for the Middle District of Pennsylvania embraces Lackawanna County, where Plaintiff's action is pending.

10. There are no other cases related to the instant action, and Synchrony has not attempted to remove this case previously.

11. Counsel for Synchrony has spoken with counsel for co-defendants Allied Interstate, LLC and Global Receivables Solutions, Inc., and neither party objects to the removal of this matter to Federal Court.

12. Synchrony hereby reserves any and all rights to assert any and all defenses to Plaintiff's Complaint, including, but not limited to, insufficiency of process, lack of personal jurisdiction, and improper venue.

WHEREFORE, Synchrony Bank, respectfully removes Plaintiff's action from the Lackawanna County Court of Common Pleas to this Court, pursuant to 28 U.S.C. § 1441, and requests that further proceedings be conducted in this Court as provided by law.

DATED: July 30, 2018

Respectfully submitted,

By: /s/ Jack P. Bock, III
Jack P. Bock, III (PA # 201758)
Reed Smith LLP
20 Stanwix Street, Suite 1200
Pittsburgh, PA 15222-4899
Tel: (412) 288-4238
Fax: (412) 288-3063
*Attorneys for Defendant Synchrony
Bank*

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of July, 2018, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF filing system, which will serve it on the following counsel of record:

Brett Freeman
Sabatini Law Firm, LLC
216 N. Blakely St.
Dunmore, PA 18512
(570) 341-9000
Brett@SabatiniLawFirm.com

Attorney for Plaintiff Anthony Deriso

REED SMITH LLP

By: /s/ Jack P. Bock, III
Jack P. Bock, III (PA # 201758)
Reed Smith LLP
Global Customer Centre
20 Stanwix Street
Pittsburgh, PA 15222-4899
Tel: (412) 288-4238
Fax: (412) 288-3063
*Attorneys for Defendant Synchrony
Bank*